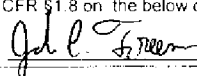


CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: February 7, 2008 Name: John C. Freeman, Esq. Signature: 

Our Case No. 10022/18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Gary Como et al.)	
)	Examiner: Robinson Boyce, Akiba K.
Serial No. 09/710,154)	
)	Group Art Unit No. 3628
Filing Date: November 9, 2000)	
)	Confirmation No. 4580
For METHOD AND SYSTEM FOR)	
BUSINESS PLANNING VIA A)	
COMMUNICATIONS NETWORK)	

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is in response to the Examiner's Answer mailed
December 7, 2007¹.

¹ The Examiner's Answer mailed on October 31, 2007 has been replaced by the Examiner's Answer mailed on December 7, 2007 as evidenced by the Examiner's Communication faxed to the undersigned on January 17, 2008.

A. 35 U.S.C. § 102

1. Claim 6

Page 5 of the Examiner's Answer mailed on December 7, 2007 (hereinafter "the Examiner's Answer") contains remarks regarding claim 6 that imply that claim 6 was rejected in the Final Office Action of January 19, 2007 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,893,076 to Hafner et al. The implication is incorrect since claim 6 has been previously canceled. Accordingly, Appellants request that the remarks be stricken from the record.

2. Claim 7

At pages 5, 15 and 16 of the Examiner's Answer, the Examiner has asserted that Hafner et al. discloses the extracting process recited in independent claim 7. In particular, the Examiner asserts that Hafner et al. discloses at column 3, lines 34-64, column 5, lines 10-19 and column 10, lines 50-56 and 63-65 extracting process being based on either: 1) "compatibility of a processing system of a second business entity to receive the extracted subset", 2) "previous history of usefulness of prior extracted data", 3) "a model for managing the transactional subject" or 4) "properties of the database."

Appellants do not agree with the Examiner's assertion. Claim 7 recites that the extracting process regards "extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system." Since none of the passages relied on by

the Examiner regard extracting the claimed subset of requirement-indicating data, the rejection is improper and should be reversed.

With the above comments in mind, Appellants will now comment on several of the passages relied on by the Examiner. Regarding whether column 10, lines 50-56 of Hafner et al. disclose an extracting process being based on a "previous history of usefulness of prior extracted data" a review of the passage below is instructive.

operation of forecasting engine 230. An associated menu allows the user to maintain and control the forecasting functions of the system. Functions available from this display are: seasonal profile file maintenance; generate profiles, print profile graph (a batch program trigger to print "hard copy" graphs of specific seasonal profiles); and demand history maintenance. (Col. 10, ll. 50-56)

The Examiner at page 16 of the Examiner's Answer appears to be asserting that the "demand history maintenance" recited in the passage is considered a previous history of usefulness of prior extracted data. Since there is nothing in the passage that suggests that such demand history maintenance could be considered a previous history of usefulness of prior extracted data, the assertion has no merit.

The Examiner has asserted at page 16 of the Examiner's Answer that column 10, lines 63-65 of Hafner et al. discloses an extracting process being based on "a model for managing the transactional subject." While the passage mentions a control file that allows a system administrator to manage global

system parameters such as those that control replenishment modeling, the passage does not regard "extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system" as required by claim 7.

The Examiner has asserted at page 16 of the Examiner's Answer that column 5, lines 10-19 of Hafner et al. discloses an extracting process being based on "properties of the database." The Examiner has asserted that the passage discloses storing pertinent inventory information in stock and inventory files and using such files to extract data. While the passage mentions storing pertinent inventory information in stock data and inventory activity files, the passage is silent as to any extracting process being performed.

Since the passages relied on by the Examiner and the remaining portions of Hafner et al. do not disclose the extracting process of claim 7, the rejection should be reversed.

3. Claims 42-44

At pages 8, 9, 16 and 17 of the Examiner's Answer, the Examiner has asserted that Hafner et al. discloses an extracting process being based on either 1) "compatibility of a processing system of a second business entity to receive the extracted subset", 2) "previous history of usefulness of prior extracted data" or 3) "a model for managing the transactional subject" as recited in claims 42-44, respectively. Since each of the extracting process of claims 42-44 corresponds to one of the alternative extracting processes recited in claim 7 and the

arguments made by the Examiner regarding the alternative extracting process of claim 7 are the same as those given for the extracting process of claims 42-44, the arguments made above at pages 2-4 of Section A.2 regarding the alternative extracting process equally apply to the Examiner's arguments regarding claims 42-44. Accordingly, the rejections of claims 42-44 should be reversed.

B. 35 U.S.C. § 103

1. Hafner et al.

a. Claims 13 and 17

Pages 9 and 10 of the Examiner's Answer contain remarks regarding claims 13 and 17 that imply that claims 13 and 17 were rejected in the Final Office Action of January 19, 2007 under 35 U.S.C. § 103 as being obvious in view of Hafner et al. The implication is incorrect since claims 13 and 17 have been previously canceled. Accordingly, Appellants request that the remarks be stricken from the record.

b. Claim 38

At page 17 of the Examiner's Answer, the Examiner has asserted that Hafner et al. discloses at column 5, lines 10-19 an extracting process "based on properties of the database" as recited in claim 38. Since the extracting process of claim 38 corresponds to one of the alternative extracting processes recited in claim 7 and the arguments made by the Examiner regarding the alternative extracting process of claim 7 are the same as those given for the extracting process of claim 38, the arguments made above at page 4 of Section A.2

regarding the alternative extracting process equally apply to the Examiner's arguments regarding claim 38. Accordingly, the rejection of claim 38 should be reversed.

2. Hafner et al. and Meltzer et al.

a. Claim 14

At page 18 of the Examiner's Answer, the Examiner has asserted that Hafner et al. discloses at column 3, lines 34-64, column 5, lines 10-19 and column 10, lines 50-56 and 63-65 an extracting process "selected from the group consisting of a process based on compatibility of a processing system of a second business entity to receive the extracted subset, a process based on previous history of usefulness of prior extracted data, a process based on a model for managing the transactional subject and a process based on properties of the database" as recited in independent claim 14. The extracting process of claim 14 generally corresponds to the extracting process recited in claim 7. The one difference is that the extracting process of claim 14 regards "extracting a relevant portion of the demand-indicating data from a database" while the extracting process of claim 7 regards "extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system." It is noted that the arguments made by the Examiner regarding the extracting process of claim 7 are the same as those given for the extracting process of claim 14. Since Hafner et al. does not disclose extracting a relevant portion of demand-indicating data in the manner

recited in claim 14, the arguments made above at pages 2-4 of Section A.2 regarding the extracting process of claim 7 equally apply to the Examiner's arguments regarding claim 14. Furthermore, since U.S. Patent No. 6,125,391 to Meltzer et al. does not disclose altering Hafner et al. to employ the extracting process of claim 14, the rejection of claim 14 should be reversed.

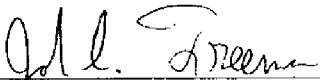
b. Claims 40 and 45-47

At pages 18-20 of the Examiner's Answer, the Examiner has asserted that Hafner et al. discloses an extracting process being based on either 1) "properties of the database", 2) "compatibility of a processing system of a second business entity to receive the extracted subset", 3) "previous history of usefulness of prior extracted data", or 4) "a model for managing the transactional subject" as recited in claims 40 and 45-47, respectively. Since each of the extracting process of claims 40 and 45-47 corresponds to one of the alternative extracting processes recited in claim 14 and the arguments made by the Examiner regarding the alternative extracting process of claim 14 are the same as those given for the extracting process of claims 40 and 45-47, the arguments made above at pages 6 and 7 of Section B.2.a regarding the alternative extracting processes equally apply to the Examiner's arguments regarding claims 40 and 45-47. Accordingly, the rejections of claims 40 and 45-47 should be reversed.

Appl. 09/710,154 / Reply Brief dated February 7, 2008

For the reasons give above, Appellants respectfully submit that the
rejections should be REVERSED.

Respectfully submitted,



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Dated: February 7, 2008